

BEAVERTON POLICE DEPARTMENT

GENERAL ORDER

NUMBER: 9.04.00
SUBJECT: VEHICULAR PURSUITS
EFFECTIVE: MAY 23, 2008
REVIEW: MAY 2009, 2010, 2011, 2012, 2013

1. PURPOSE. The policy of this Department is to provide guidelines and responsibilities for the initiation or termination of a vehicular pursuit; to outline the responsibilities of the initiating officer, the supervisor, and any other involved police vehicles during the pursuit and to balance the necessity for pursuit or apprehension against the probability and severity of damage or injury that may result. All pursuits may be reviewed to determine the appropriateness of actions taken. Legal constraints about the operation of emergency vehicles are provided in the Oregon Revised Statutes. All members of the department shall be familiar with and operate police emergency vehicles in accordance with these statutes and this General Order.

A. Decision Accountability. It is recognized that there is a basic need for pursuit under certain circumstances. Great reliance is placed upon the individual officer and on-duty sergeant in the application of their experience, common sense, and training. An officer or sergeant shall not be criticized for their decision to terminate rather than continue a pursuit.

2. DEFINITIONS

Attempt to Elude: Any driver of a motor vehicle who willfully fails or refuses to immediately bring his/her vehicle to a stop and who drives his/her vehicle in a manner indicating a wanton or willful disregard for the lives or property of others while fleeing from a pursuing police vehicle, after being given a visual and audible signal to bring the vehicle to a stop.

Emergency Vehicle: A department vehicle that is equipped with red and blue warning lights visible from at least five hundred feet (500') in normal sunlight and a siren capable of giving an audible signal.

Reckless: Erratic vehicular movement that rises to the level of "recklessly" as defined in ORS 161.085 section 9. For the purposes of this policy, excessive speed alone does not rise to the level of reckless. Some examples of reckless driving behavior include:

- Actual collision, or imminent collision, with other vehicles.
- Driving at night without lights at speeds that do not adequately warn others of the vehicle's presence.
- Driving at high speeds on flat tires or metal rims.
- The presence of large number of people in the immediate path or vicinity of the vehicle.
- Extreme disregard for traffic control devices, imperiling cross traffic and/or people.
- Off road actions such as cutting through parking lots at high speed, where people are likely to be present, including driving up on sidewalks.

Primary Pursuit Unit: The police unit which initiates a pursuit, or any unit which assumes control of the pursuit, and has the responsibility of attempting to stop a fleeing vehicle.

Reasonable Suspicion: Is a legal standard in that a person; has been, is, or is about to be, engaged in criminal activity based on specific and articulable facts and inferences.

Support Pursuit Unit(s): Any police vehicle which becomes involved as a backup to the primary pursuit unit.

Tactical Vehicle Intervention (TVI): The range of techniques intended to intervene in a suspect's attempt to flee or avoid apprehension while operating a motor vehicle. TVI techniques are intended to be dynamic in nature and situation dependent.

Vehicular Pursuit: An active attempt by an officer operating an emergency vehicle within the guidelines of ORS 820.300 and ORS 820.320 to stop and /or apprehend a fleeing suspect in a motor vehicle who is actively attempting to elude the police. The officer must have a reasonable suspicion that the subject is aware of the officer's attempt to stop the vehicle.

3. POLICY.

A. The primary considerations when determining whether to initiate, continue or terminate a vehicular pursuit are public safety and the safety of officers. All personnel shall balance the risk to the public created by allowing the suspect to escape against the danger to life and property inherent in pursuit situations.

- 1) An officer initiating a pursuit must be able to articulate specific facts that demonstrate the necessity to immediately apprehend the fleeing suspect(s) outweighs the risk to life and property inherent in pursuit situations.
- 2) When deciding whether to initiate, continue or terminate a pursuit, an officer considers a number of factors including, but not limited to, the safety of the public

in the area, the safety of the pursuing officers, as well as, the location and conditions of the pursuit.

B. The Beaverton Police Department authorizes vehicular pursuits in the following circumstances when the officer has a reasonable belief that risk to the public created by pursuing the suspect is less than the risk created by allowing the suspect to escape:

- 1) Where a violent felony has been committed, or the officer has a reasonable suspicion that a violent felony will be committed if the subject is allowed to escape, even if the subject is known and could be apprehended by a warrant at a later date.
- 2) When the officer has a reasonable suspicion that the driving conduct is so **reckless** that failure to apprehend the driver will endanger the driver of the suspect vehicle or the officer or members of the public, including occupants of the suspect vehicle. **The officer must have this reasonable suspicion prior to the initiation of the stop.**
- 3) When the officer has a reasonable suspicion that the driver is committing the offense of driving under the influence of intoxicants and where the driving of the subject PRIOR to the attempted stop already presents an intolerable risk of injury or death to person(s) other than the driver.
- 4) When the officer has a reasonable suspicion that a domestic violence assault is occurring within a moving vehicle.
- 5) The suspect poses an immediate or future threat of death or serious bodily injury to officers or to the public.

Pursuits other than those authorized by this policy are specifically prohibited unless the particular circumstances provide a justification for a pursuit.

C. Beaverton Police Department personnel follow specific guidelines during vehicular pursuits.

- 1) The primary pursuit unit initiates a pursuit and has the responsibility of attempting to stop the fleeing vehicle and/or to terminate the pursuit within the guidelines outlined in this General Order.
- 2) The support pursuit unit(s) provide backup to the primary pursuit unit. Unless authorized by a sergeant or higher ranking officer, no more than two (2) support pursuit units, not including a sergeant shall engage in the pursuit.

- 3) Officers who are on duty and in the area of the pursuit may monitor the progress of the pursuit but should not engage in the pursuit unless requested to do so by the primary pursuit unit or support pursuit unit or a sergeant or higher ranking officer.
 - 4) Officers who are on duty but are not involved in the pursuit should be available, in case they are needed, to help provide resources to increase the safety of vehicular and pedestrian traffic, such as stopping cross traffic ahead of the pursuit path or terminating the pursuit.
 - 5) On duty sergeants have primary responsibility to be aware of pursuits and to assume command responsibility for the monitoring and control of the pursuit as it progresses.
 - 6) Officers will utilize high risk traffic stop procedures when the pursued vehicle is stopped.
- D. Officers engaged in vehicular pursuit shall operate their emergency vehicle with due regard for the safety of themselves and all other persons within the pursuit area.
- 1) Officers do not engage in pursuits with a passenger in their vehicle unless the passenger is a fully commissioned law enforcement officer with jurisdiction in Oregon who is working in an official capacity.
 - 2) Officers do not engage in pursuit techniques which require the officer to drive in the opposing or wrong direction on a freeway or divided highway.
 - 3) Officers do not attempt to pull alongside a fleeing vehicle and intentionally attempt to force it into any obstacle.
 - 4) Officers do not direct the spotlight at the windshield or vision of a suspect vehicle in an attempt to blind or halt a pursuit. This requirement does not limit the use of a spotlight to increase officer safety after a pursued vehicle has been stopped.
- E. The Department authorizes personnel operating unmarked or special purpose police vehicles to engage in vehicular pursuits when:
- 1) The vehicle is equipped with at least one lamp capable of displaying a red and blue warning light visible from at least five hundred feet (500') in normal sunlight and a siren capable of giving an audible signal.
 - 2) The vehicle being pursued is being operated by a fleeing suspect who represents an immediate and articulable threat to life.
 - 3) All other requirements of this General Order can be met.

- 4) When a marked police vehicle becomes available to take over the pursuit, the unmarked vehicle shall assume the position of a support pursuit unit until a primary and two marked support vehicles assume the pursuit. At that time the unmarked police vehicle shall discontinue involvement unless authorized by a supervisor.
- F. The department authorizes officers operating police motorcycles to engage in pursuits when:
- 1) The police motorcycle is equipped with at least one lamp capable of displaying a red light visible from at least five hundred feet (500') in normal sunlight and a siren capable of giving an audible signal.
 - 2) The vehicle being pursued is being operated by a fleeing suspect who represents an immediate and articulable threat to life.
 - 3) Weather, road and other conditions allow.
 - 4) All other requirements of this General Order can be met.
 - 5) The police motorcycle terminates involvement in the pursuit when at least two four-wheeled police vehicles become primary pursuit and support pursuit units in the pursuit.
- G. The Department authorizes officers to use tactical vehicle intervention techniques to control a pursuit, to reduce risks of the pursuit and/or to bring a pursuit to a conclusion.
- 1) Tactical vehicle intervention techniques are considered a use of force and shall be used in accordance with the Department's use of force policy.
 - 2) Officers may use tactical intervention techniques only after receiving training in the specific technique used.
 - 3) Officers may use one (1) or more TVI techniques depending on the situation and the totality of the circumstances.
 - 4) The Department authorizes the following technique(s):
 - a. Spike Strip Devices (Tire Deflation Devices) alone or in conjunction with other tactical vehicle intervention techniques only after the on-duty sergeant or a higher-ranking officer in command of the pursuit is notified of the intended use of a spike strip device and authorizes such use. (General Order 9.08.00, Use of Spike Strip Device, provides specific guidelines for deployment.)

H. Officers and/or on-duty sergeants will terminate pursuits under any one (1) of the following circumstances:

- 1) The officer or on-duty sergeant reasonably believes that the risks associated with continued pursuit are greater than the risks to the public associated with the suspect remaining at-large.
- 2) The suspect's identity has been established and immediate apprehension is not necessary to protect the public or officers.
- 3) The location of the vehicle being pursued is no longer known.
- 4) Weather or traffic conditions substantially increase the danger of pursuit beyond the worth of apprehending the suspect.
- 5) The distance between the pursuit police vehicle and fleeing vehicles is so great that further pursuit is futile.
- 6) In a pursuit outside of Beaverton City Limits, another law enforcement agency accepts primary and support responsibilities for the pursuit or communicates refusal to accept responsibility for the pursuit.
- 7) An accident occurs in the pursuit with an uninvolved citizen and there are no other police or medical personnel readily available.

I. The Department authorizes vehicular pursuits into other Oregon jurisdictions.

- 1) Officers involved in a pursuit traveling outside Beaverton city limits shall contact dispatch to request assistance from the appropriate law enforcement jurisdiction.
- 2) The primary pursuit and two (2) additional support pursuit units continue in direct pursuit until the agency having law enforcement jurisdiction is capable of accepting responsibility.
- 3) Once the agency having law enforcement jurisdiction assumes the primary pursuit and support pursuit units, all involved BPD units terminate the pursuit.
- 4) If the agency having law enforcement jurisdiction does not have a support pursuit unit, the BPD primary pursuit unit remains in the pursuit as the support pursuit unit.
- 5) Involved BPD units monitor the pursuit on their vehicle radio until their part in the pursuit is terminated.

- 6) If the agency having law enforcement jurisdiction refuses to accept responsibility for the pursuit or terminates the pursuit, all involved BPD units terminate the pursuit.
 - 7) Following conclusion of the pursuit, an on-duty sergeant or higher-ranking officer communicates with the law enforcement agency having jurisdiction.
- J. The Department authorizes vehicular pursuits into the State of Washington only if the subject being pursued has committed a violent felony or is reasonably suspected of having committed a violent felony or a violation of another state law relating to driving while intoxicated, or driving under the influence of drugs or alcohol.
- 1) The primary pursuit or support pursuit unit, whichever unit is transmitting locations and directions to dispatch, notifies dispatch when the pursuit appears to be going into Washington.
 - 2) Dispatch notifies the appropriate Washington law enforcement agency of the pursuit and the talk group being used.
 - 3) Once the Washington law enforcement agency assumes primary pursuit and support pursuit units, all involved BPD units terminate the pursuit.
 - 4) If the Washington law enforcement agency having jurisdiction does not have a support pursuit unit, the BPD primary pursuit unit remains in the pursuit as the support pursuit unit.
 - 5) If the Washington law enforcement agency refuses to accept responsibility for the pursuit or terminates the pursuit, all involved BPD units terminate the pursuit.
 - 6) Following conclusion of the pursuit, a sergeant or higher ranking officer communicates with the Washington law enforcement agency having jurisdiction.
- K. The Department may exercise authority over vehicular pursuits that are initiated in another law enforcement jurisdiction and enter Beaverton City limits.
- 1) The on-duty lieutenant or sergeant ascertains the basis for the pursuit. If the basis for the pursuit does not meet departmental guidelines for pursuits, the on-duty lieutenant or sergeant advises BPD units to not become involved in the pursuit.
 - 2) If a pursuit is authorized, all Department guidelines on pursuits are followed.
- L. BPD documents and reviews details of all vehicular pursuits.
- 1) The primary pursuit unit and support pursuit unit(s) officers shall complete written reports detailing the pursuit including their involvement.

- 2) The on-duty sergeant, in command of the pursuit, and a lieutenant review the pursuit reports, complete the "Pursuit Review Checklist" and, if necessary, prepare supplemental reports.
 - 3) The patrol captain reviews all pursuit reports and determines if any additional review, investigation or action pertaining to the pursuit is necessary.
- M. The Training Division provides specialized training on Department policy, tactical vehicle intervention techniques and emergency vehicle operation. Pursuit Training will be provided to each new officer during the orientation phase and all officers will receive pursuit training on a biennial basis.

4. PROCEDURES

A. BPD personnel follow these guidelines during vehicular pursuits:

1) Primary Pursuit Unit

- a. Initiates the pursuit.
- b. Activates emergency lights and siren and keeps them activated continuously throughout the duration of the pursuit.
- c. If the suspect fails to yield, notifies dispatch to advise that a pursuit is underway and the reason for the pursuit and ask that the on-duty sergeant be notified.
- d. Keeps dispatch informed of the status of the pursuit.
- e. Constantly evaluates conditions (driving behavior, road conditions, traffic volume, etc.) If the fleeing vehicle is lost, provides all available information to dispatch that would assist in locating the vehicle that was pursued.
- f. Drives with due regard for the safety of themselves and all other persons within the pursuit area.
- g. Participates in a high risk traffic stop when the pursued vehicle is stopped at the conclusion of the pursuit.
- h. Terminates the pursuit according to the guidelines outlined in this General Order.

2) Support Pursuit Unit(s)

- a. Provides back up to the primary pursuit unit.
- b. Activates emergency lights and siren and keeps them activated continuously throughout the duration of the pursuit.
- c. Assumes communication responsibilities to keep dispatch informed of any changes in the location, speed and direction of travel during the pursuit.
- d. Takes over the pursuit if the primary pursuit unit becomes unable to continue the pursuit.

- e. Drives with due regard for the safety of themselves and all other persons within the pursuit area.
- f. Participates in a high risk traffic stop when the pursued vehicle is stopped at the conclusion of the pursuit.

3) On Duty Sergeant

- a. Is aware of pursuits and assumes command responsibility for the monitoring and control of the pursuit as it progresses (does not relieve the primary pursuit officer of the responsibility to continually evaluate the need to continue the pursuit).
- b. Acknowledges, via radio, awareness of the pursuit.
- c. Obtains sufficient information about the pursuit, as necessary, to perform their responsibilities.
- d. Continuously evaluates and assesses the pursuit situation to ensure that the pursuit is conducted within Department guidelines.
- e. Controls the pursuit by directing pursuit vehicles, re-designates primary pursuit and support pursuit responsibilities, approves or disapproves pursuit tactics, approves or disapproves leaving the Beaverton City limits to continue the pursuit, and/or terminates the pursuit.
- f. Assigns additional backup vehicles or air support to the pursuit based on analysis of the situation.
- g. Responds to the scene of the termination of the pursuit.
- h. Participates in and/or supervises the high risk traffic stop when the pursued vehicle is stopped at the conclusion of the pursuit.

B. BPD personnel document and review the details of all vehicular pursuits as follows:

1) Primary Pursuit Unit

- a. Complete a report detailing the pursuit including:
 - The initial reason for the pursuit.
 - The route of the pursuit.
 - Other police units/agencies involved, including officer's names.
 - Weather and traffic conditions on the route of the pursuit.
 - How and why the pursuit was terminated.
 - Any special circumstances that arose during the pursuit including a detailed description of any tactical vehicle intervention techniques that were used.
 - Any injuries or damage to vehicles or property.
 - Any other information pertinent to the pursuit.
- b. Attaches photographs of the vehicles involved, any property damage and the site where any tactical vehicle intervention techniques were used.

- c. Submits the report to the sergeant in command of the pursuit.

2) Support Pursuit Unit(s)

- a. Complete a report detailing the pursuit and their involvement in the pursuit.
- b. Submits the report to the sergeant in command of the pursuit.

3) On Duty Sergeant

- a. Reviews the reports submitted by the primary pursuit unit and the support pursuit unit(s).
- b. Prepares an after action report detailing all relevant circumstances not included in the pursuit reports including:
 - The reason the pursuit was initiated.
 - The number of BPD units involved.
 - Name and number of assisting agencies.
 - Suspects arrested and charges listed.
 - Considerations for continuing and/or terminating the pursuit.
 - Evaluation of tactical resources employed.
 - Determination if pursuit was within Department General Orders.
- c. Completes the "Pursuit Driving Report Checklist."
- d. Obtains reports from any other involved law enforcement agencies.
- e. Forwards the reports and checklist through the chain of command.

4) Lieutenant

- a. Reviews all pursuit reports and checklists.
- b. Orders an audio tape of the pursuit.
- c. If there is a reasonable belief that the Vehicular Pursuits General Order was violated during the pursuit, prepares an additional written factual summary to support this belief.
- d. Forwards all reports to the patrol captain.

5) Patrol Captain

- a. Reviews all pursuit reports and determines if any additional review, investigation or action pertaining to the pursuit is necessary.
- b. Forwards information to the professional standards unit for investigation assignment if the lieutenant provided a written factual summary to support a reasonable belief that the Vehicular Pursuits General Order was violated.

Chief of Police

Date